IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 777 of 2007()

CMP.4214/2006 of ADDL.DISTRICT COURT-I,MAVELIKKARA

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(CRIME NO.713/2006 OF THE KAYAMKULAM POLICE STATION)

PETITIONERS:

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1. **RAJESH S/O RAVI, KOTTACKAL, GOVINDAMUTTOM NORTH MURI, PUTHUPPALLY VILLAGE, KARTHIKAPPALLY TALUK.**

2. **THANKACHAN, S/O.MADHUSOODHANAN, MADHUBHAVANAM, GOVINDAMUTTOM NORTH, KOCHUMURI, PUTHUPPALLY VILLAGE DO. DO.**

3. **MAHENDRAN, S/O. JANARDHANAN, CHITRALAYAM, DO. DO.**

4. **BIJU, S/O.CHANDRAN, BANGLAVIL, CHIRAKKADAVAM MURI, KAYAMKULAM VILLAGE, KARTHIKAPPALLY TALUK.**

5. **THAMPAN S/O.MADHUSOODHANAN, KOTTACKAL, DO. DO.**

BY ADV. SRI.A.K.ALEX

RESPONDENT:

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 777 OF 2007 B

Dated this the 13th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 to 5 in Crime No.713/2006 of Kayamkulam Police Station for offences punishable under Sections 143, 147, 148, 452, 427, 323 and 324 read with section 149 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting that the petitioners had trespassed into the house of the de facto complainant at about 11 p.m. on 17.12.2006 armed with iron rod, wooden stick, etc. and assaulted the de facto complainant.

3. In as much as the present occurrence is equal to an earlier crime registered as Crime No.714/06, which took place on the same day, eventhough I am not inclined to grant anticipatory bail to the petitioners, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their regular bail application ordered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on

any day between 19.2.2007 and 21.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the Magistrate concerned, who shall release them on bail on appropriate conditions.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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